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SUBJECT: KRG ON ARTICLE 140: "TECHNICAL" DELAY ACCEPTABLE

REF: BAGHDAD 4068

Classified By: Classified By Regional Coordinator Jess Baily for reasons 1.4 (b) and (d).

This is an Erbil Regional Reconstruction Team message.

11. (C) Summary: Kurdistan Regional Government President Masoud Barzani and Prime Minister Nechirvan Barzani told the Senior Advisor December 9 that only a "technical" delay for some months in implementing Article 140 would be acceptable, and must be announced by the GOI, not the KRG. While PM Barzani advocated for U.S., UN, KRG, and GOI discussions to outline steps forward, President Barzani said approval for any technical delay can only be authorized by the Kurdistan National Assembly and the CoR. Senior Advisor noted that an agreement to announce an extension should be reached quickly, to provide breathing space for technical discussions that can ensure a fair and transparent way forward on Article 140. Subsequent to these talks, the Kurdish leadership agreed to a technical delay and an invitation to UNAMI to provide technical assistance. End Summary.

KRG Prime Minister on Article 140  
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12. (C) In a meeting December 9 with KRG Prime Minister Nechirvan Barzani, Senior Advisor Pearce said that the Article 140 process should be fair and transparent, with an agreement by all parties on a way forward. He noted that Article 140 is exploited by terrorists to feed the insurgency, and it affects relations between the KRG and the rest of Iraq. He emphasized that the U.S. understands the process is not easy, yet it has now become more dangerous not to address Article 140. He asked PM Barzani where things stood, and the way forward.

13. (C) KRG PM Barzani responded that Kurdish rights to Kirkuk were forcibly taken away, yet the Kurds have chosen a peaceful, democratic route to restore those rights. He expressed some satisfaction with the Article 140 Committee's work; people have begun to return home, and their identification cards have been transferred to other provinces. He noted that the KRG is under "a lot of public pressure," and Kurdish reaction to a delay past the constitutionally-mandated December 31 deadline for a referendum will be very negative. PM Barzani said he wanted to solve the Article 140 problem as soon as possible, as it will become more complicated after the U.S. leaves. He noted the constitution served as the guarantee for the future, "our Bible and Koran." Changing one article would encourage attempts to change others, he said, leading to a constitution breakdown.

PM Proposes UN Assistance and Four Way Talks  
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14. (C) PM Barzani suggested that UNAMI technical assistance on Article 140 would be helpful, and that newly appointed

SRSR Staffan de Mistura, during his recent visit to the region, had made a reasonable offer of UN support. Barzani also proposed that the KRG, the U.S., UN, and the GOI, represented by a trusted interlocutor, such as Vice-President Adel Abdel Mahdi, meet to find a political solution. He said he planned to travel to Baghdad December 11, and would be available to pursue this issue.

#### Article 140 Delay Acceptable But Must be Announced by GOI

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15. (C) PM Barzani stressed that the GOI must announce the delay, as Kurdish public opinion would not accept a KRG announcement. He said the KRG would agree to a technical delay, for some months, but not to a two-year delay, as Iran and some in Baghdad have proposed. Mohammed Ihsan, KRG Minister for Extra-Regional Affairs and KRG representative to the Article 140 Committee, echoed PM Barzani's call for the GOI to announce the delay. The GOI is creating the obstacles to the process, Ihsan said, and not following the agreed roadmap. He added that the GOI could show its good will by, for example, approving the proposed border decisions. Ihsan also noted that the technical process should take no more than three months, and that the UN already has senior technical advisors working with the Independent High Electoral Commission. Qubad Talabani, KRG's Washington D.C.-based representative, said announcing a delay without a pre-negotiated political agreement will provide an opening to further delay the process. He added that progress on Article 140 to date must be demonstrated, to "soften the blow and to manage public expectations."

16. (C) Senior Advisor responded that announcing a "technical extension" would signal a political agreement and lay the

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ground-work for next steps. He said the U.S. and UN could help, but ultimately there must be an Iraqi solution to Article 140. Senior Advisor noted that given the short timeframe until the deadline, the leadership should announce an extension, which will provide breathing space for technical staff to develop ideas on the way forward. PM Barzani concluded the discussion by emphasizing the need for U.S. commitment to the Article 140 process.

#### President Barzani: Kirkuk as Symbol of Peaceful Coexistence

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17. (C) In a later meeting December 9, President Masoud Barzani told Senior Advisor that Article 140 is important, timely, and sensitive. The bulk of conflict in Iraq's history, "eighty percent," he highlighted, had resulted from disputes over Kirkuk. The Kurds decision to join the GOI has been based on finding a just, peaceful, solution to Kirkuk, "which had always been part of Kurdistan." President Barzani said that Article 140 was the agreed mechanism to solve the Kirkuk question through legal means and end the oppression of the Kurdish people. The Kurdish intention is for Kirkuk to serve as a symbol of coexistence, he said, with peaceful communities and the rights of all guaranteed. He added that he was personally interested in meeting with Arabs and Turkomen to discuss the issue, and did meet with them on an individual basis, but that they were unwilling to meet with him as a group, due to terrorist threats.

#### International Plot to Undermine the Article 140 Process

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18. (C) However, President Barzani said, suspicions were growing about efforts to undermine the Article 140 process and deny the rights of the Kurdish people. He has seen Iran, Turkey, and Syria, among others, stating their positions on Article 140 he said, which was highly inappropriate for what was an internal Iraqi decision. Neighboring countries involvement was unacceptable, he stressed, interfered with Iraq's ability to find a solution, and the KRG would not be

able to control the streets if suspicions of an "international plot" to derail the process took shape.

#### A Lack of Trust in GOI

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¶9. (C) President Barzani said the Kurds are supportive of resolving the problem through peaceful, legal means, but cannot accept the GOI breaking promises, and using time to derail the process. What "hurts most," he noted, was that "certain coalition members" have shown a lack of sincerity since the beginning. He singled out former Prime Minister Jaafari and Prime Minister Maliki. President Barzani said he had lost confidence and trust in Baghdad.

¶10. (C) Senior Advisor replied that he understood President Barzani's sentiments, but the only way to test the sincerity of all involved is to find practical steps to move the process forward, as a referendum before the end of 2007 was not realistic. Such a step might be an agreement on a "technical extension" before the end of the year. Senior Advisor added that everyone must think ahead to develop public statements announcing the Article 140 extension, to build public confidence in the way ahead.

¶11. (C) President Barzani responded that public opinion cannot be disregarded, and he cannot think of any excuse to convince the Kurdish public that a delay is necessary, given their lack of trust in resolving the issue. If Article 140 had been undertaken smoothly, he added, it would have been different. What guarantee, he asked, would he provide the public that the process would not be delayed again, if they did agree to an extension? President Barzani added he knew SRS de Mistura from the Oil for Food Program, but had not met him in his new position. He said UN technical assistance is welcome, but only if the assistance is managed out of Baghdad. If New York gets involved, he said, "the process will take six decades to resolve."

#### KNA and CoR engagement

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¶12. (C) President Barzani echoed the oft-said support for a delay for "technical reasons" and rejected a political decision by leaders. He suggested that the Article 140 Committee could request the delay, outline what needed to be done, and provide a firm deadline for resolution. He also said any final decision would require approval from the Kurdistan National Assembly (KNA) and the CoR.

¶13. (C) KNA Speaker Adnan Mufti said he agreed with President Barzani, that if the Article 140 Committee called for an extension, and the KNA approved the extension,

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problems would be avoided. It would be ideal, he concluded, if the CoR discussed the issue before year's end. GOI Minister of Environment and Article 140 committee member Narmin Othman suggested that the CoR could endorse the proposal when it meets December 30. Deputy KNA Speaker Kemal Kerkuki warned, however, that many Kurds will interpret "delay as derailment."

¶14. (C) President Barzani concluded the discussion by saying he cannot give a concrete response on such a sensitive issue at this time. He also observed that Kurds had always been treated as second class citizens in Iraq, whether Sunnis or Shia were in power, and that this mentality in Baghdad explained many of the difficulties in resolving Article 140 issues.

#### Note

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¶15. (C) After the Senior Adviser's meetings in Erbil, the Kurdish leadership agreed to a technical delay and an

invitation to UNAMI to provide technical assistance. As part of the package agreed to with UNAMI (reftel), de Mistura will travel to Erbil on December 17 to address the Kurdish National Assembly. End Note  
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